

SENATE BILL 330

M4, M3, M1

2lr0393
CF 2lr2058

By: **Senators Glassman, Astle, Brinkley, Colburn, Edwards, Jacobs, Jennings,
Kittleman, Montgomery, and Shank**

Introduced and read first time: January 27, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Total Maximum Daily Load – Regulations**

3 FOR the purpose of prohibiting the Department of Agriculture, the Department of the
4 Environment, and the Department of Natural Resources from adopting certain
5 regulations unless certain states achieve or exceed certain percentage
6 reductions of certain nutrients that the State has achieved under certain
7 circumstances; and generally relating to the Total Maximum Daily Load for the
8 Chesapeake Bay and the agricultural sector.

9 BY repealing and reenacting, with amendments,
10 Article – Agriculture
11 Section 8–803.9
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2011 Supplement)

14 **Preamble**

15 WHEREAS, Since 1984, Maryland farmers have installed over 20,000 water
16 quality best management practices (BMPs) on farms, spending over \$14 million of
17 their own money to match nearly \$100 million in State and federal funds; and

18 WHEREAS, Maryland farmers lead the nation in the use of cover crops to take
19 up nutrients between fall harvest and spring planting; and

20 WHEREAS, In fiscal year 2011, more than 400,000 acres of cover crops were
21 planted, achieving an all-time high for the program, which exceeded the 2-year
22 Watershed Improvement Plan (WIP) milestone goal by 75,000 acres; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, For the fiscal year 2012 cover crop season, 550,000 acres have been
2 enrolled in the program and of the 1,767 farmers who signed up for the program, 206
3 farmers are first-time participants; and

4 WHEREAS, Installation of agricultural BMPs on farmland accounts for 67% of
5 2.5 million pounds of nitrogen reduction for Maryland's 2011 WIP milestones, even
6 though farms are responsible for only 40% of the nitrogen loads; and

7 WHEREAS, By the fall of 2011, Maryland farmers accomplished over 120% of
8 the first 2-year milestones for nutrient reduction established under the WIP; and

9 WHEREAS, Maryland farmers are ahead of schedule and are committed to
10 reaching the WIP goals and farmers in all 23 counties are actively participating in
11 agricultural WIP planning meetings; and

12 WHEREAS, Regulatory mandates that put Maryland farmers at an economic
13 disadvantage compared to competitors in the other Chesapeake Bay watershed states
14 and across the nation will harm, not help, the State's ability to meet its WIP goals and
15 feed the world; now, therefore,

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Agriculture**

19 8–803.9.

20 **(A) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
21 **THE** Department may adopt regulations for agricultural research, education, and
22 demonstration exemptions to this subtitle.

23 **(B) THE DEPARTMENT, THE DEPARTMENT OF THE ENVIRONMENT, AND**
24 **THE DEPARTMENT OF NATURAL RESOURCES MAY NOT ADOPT A REGULATION**
25 **THAT IS INTENDED TO HELP THE STATE MEET THE AGRICULTURAL SECTOR**
26 **REQUIREMENTS OF THE TOTAL MAXIMUM DAILY LOAD FOR THE CHESAPEAKE**
27 **BAY UNLESS NEW YORK, PENNSYLVANIA, VIRGINIA, WEST VIRGINIA, AND THE**
28 **DISTRICT OF COLUMBIA HAVE ACHIEVED OR EXCEEDED THE PERCENTAGE**
29 **REDUCTION OF NITROGEN AND THE PERCENTAGE REDUCTION OF PHOSPHORUS**
30 **THAT THE STATE HAS ACHIEVED FROM 2009 LEVELS THAT IS ATTRIBUTED TO**
31 **THE AGRICULTURAL SECTOR.**

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 June 1, 2012.